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Chief Executive

CA95/17/8

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19 February 1996

Your Member of Parliament has passed me your letter of 11 January and asked me to reply to you direct.

You are unhappy with the refusal by Mr Justice Hollis of your application for leave to appeal out of time against conviction. As you know, in refusing your application, the judge made the observation that it was far too late, in September 1995, to seek leave to appeal the conviction in November 1994. I appreciate that you had many reasons for the delay but clearly the judge felt that a delay of over eight months was excessive. I agree that the judge seems to say that you were first refused leave to appeal in January 1995. If so, this is clearly a clerical error, but not one that would affect the dismissal of your application.

You remain concerned that the Criminal Appeals Office lost two sets of your appeal papers. The Office received your grounds for appeal against conviction on 5 September 1995. These papers were not matched with the court file until 26 October and this meant that the hearing arranged for 3 November had to be adjourned. I do not seek to minimise this error by staff at the Criminal Appeals Office and I apologise for the delay that it caused.

continued..



You are also concerned that the Criminal Appeals Office continued to send correspondence to Wandsworth Prison after your transfer to Ford. I should explain that the Criminal Appeals Office relies on the Prison Service to inform them of transfers. In your case it appears that this notification was not given. You will appreciate that I cannot comment on any aspect of the Prison Service. I will therefore pass this correspondence to the Chief Executive, Mr Richard Tilt, who may wish to write to you.

Finally, you ask what you can do now. I understand that the Criminal Appeals Office received a letter from your solicitors on 16 January. This was accepted as a formal renewal of your application for leave to appeal against conviction. This application, along with your application for leave to appeal against sentence, will be heard by the Full Appeal Court as soon as the papers have been prepared and a date can be arranged.

At your Member of Parliament's request, I am copying this letter to him as well as to your solicitors.

*Yours sincerely,
Michael Huebner*

M D Huebner